

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-031021-001 DT

08/10/2011

HON. SHERRY K. STEPHENS

CLERK OF THE COURT
E. Canas
Deputy

STATE OF ARIZONA

JUAN M MARTINEZ
DAVID JEREMY BODNEY
PETER KOZINETS

v.

JODI ANN ARIAS (001)

KIRK NURMI
VICTORIA ELISABETH WASHINGTON

INMATE LEGAL SERVICES
VICTIM SERVICES DIV-CA-CCC

MINUTE ENTRY

10:44 a.m. This is the time set for Evidentiary Hearing re: Application for Leave to Intervene for the Limited Purposes of (1) Seeking the Court's Approval on In Session's Camera Coverage Request and (2) Opposing Defendant's Motion to Reconsider Media Access and Motion to Continue Trial by Defendant.

State's Attorney:	above-named counsel
Defendant's Attorney:	above-named counsel, Advisory Counsel.
Defendant:	Present, <i>Pro Per</i>

Court Reporter, Mike Babicky, is present.

A record of the proceeding is also made by audio and/or videotape.

Advisory Counsel, Kirk Nurmi addresses the Court and further provides the Court with Supplemental Documentation regarding this application, by *In Session*, as stated on the record.

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Counsel Peter Kozinets presents argument to the Court as to what is seeking this Court to approve as stated on the record.

Based on the information presented to the Court and good cause appearing,

IT IS ORDERED granting approval of *In Session's* Camera Coverage.

All media communications to be worked out the Media Relations Director, with Maricopa County, Superior Court.

There will no media coverage during voir dire, or with any parties who object to media coverage during testimony.

This Court will allow 3 cameras, unless Court finds interference.

Further certain evidentiary hearings may or may not have media coverage and will be addressed at time of proceeding with trial.

Evidentiary hearing of Pretrial matter may have camera coverage, but Oral Arguments will not have media coverage.

The State addresses the court as stated on the record.

11:09 a.m. Court stands at recess to resume arguments at 1:30 p.m.

1:43 p.m. Court, Counsel's and the Defendant are present.

Court Reporter, Mike Babicky, is present.

Advisory Counsel, Victoria Washington addresses the Court regarding the proper role of an advisory counsel as stated on the record.

Advisory Counsel, Kirk Nurmi further adds to Ms. Washington's argument on role of advisory counsel.

Court addresses the Defendant and the courts concern about the Defendant continuing to represent herself in this matter. However, the court has made its findings and the defendant is now representing herself. This Court, again, will as the Defendant if this is her final decision to represent herself in this matter.

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Defendant has prepared a statement to read to the Court at this time.

Courts prior motion in allowing Advisory Counsel to continue arguing the legal motions pending will remain in effect and continuance of the Evidentiary Hearing will resume on Monday, August 15, 2011, at 10:30 a.m. for the Defendant's witness to come in and testify.

Advisory Counsel, Kirk Nurmi addresses the court regarding the witnesses as stated on the record.

Bench conference is held at the request of Advisory Counsel, Victoria Washington.

Motions are argued as follows:

Motion filed 08/01/2011, #12, Defendant's list: Motion for Specific Discovery.

Advisory Counsel, Victoria Washington has received additional material and finds the motion now to be moot.

IT IS ORDERED denying the Defense Motion filed 08/01/2011, since all materials in the State's possession have been disclosed.

Defendant's Motion to Continue Evidentiary Hearing filed on 08/05/2011, was previously denied by this Court, but is noted for the record in case it was not.

Motion for Courtroom Decorum was previous outstanding, but that Judge Duncan has ruled on motion and there are no further issues, parties agree.

Defendant's Motion in Limine re: Nude Photo filed on 06/27/2011, and the State's response filed 07/06/2011 is argued.

IT IS ORDERED denying the Defendant's Motion in Limine re: Nude Photos. If during trial certain exhibits re: photos come in to question, parties can request a bench conference before the exhibit is displayed. Motion may be re-urged during trial.

2:04 p.m. Peter Kozinets addresses the Court regards this particular motion and *In Session's* position regarding the displaying of this type of media coverage.

Advisory Counsel, Kirk Nurmi, addresses the Court regarding In Session and that they hold no weight as to what evidence is allowed as stated on the record.

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Defense Counsel Motion in Limine, "Testimonial Statements" filed 06/27/2011, and the State's Response to Motion filed 07/01/2011 is argued to the Court.

Court is reluctant to script what a witness should say.

IT IS ORDERED denying the Defense Counsel's Motion in Limine, re: "Testimonial Statements", filed on 06/27/2011.

State's Motion in Limine to Preclude Certain Testimony from Defendant's Expert to Preclude Hearsay Statements of Victim filed 06/27/2011.

2:25 p.m. Advisory Counsel, Victoria Washington is requesting that the Court hold this Motion in abeyance for the reasons stated on the record.

IT IS ORDERED granting Defense Counsel's Oral Motion for the Court to hold off on ruling in the State's Motion in Limine to Preclude Certain Testimony from Defendant's Expert to Preclude Hearsay Statements of Victim filed 06/27/2011 until the trial has begun and before those expert witnesses testify, if they testify.

Defendant's Motion in Limine to Withdraw filed 06/27/2011, no State's response filed and does not find any relevance at this time, should they become an issue the State may raise it with the court in the procession of trial.

IT IS ORDERED granting the Defendant's Motion in Limine to Withdraw filed 06/27/2011.

Defendant's Motion to Continue Trial filed 07/18/2011, and the State's response filed 07/27/2011, Defense Supplemental filed 08/03/2011, and State's Response to Supplement filed 08/09/2011 is argued.

Advisory Counsel, Kirk Nurmi argues the Motion to Continue Trial; State presents his argument to the Court as stated on the record.

Court finds that under these circumstances that a brief continuance is warranted in this matter. What the Court would like is the following:

- 1) On 09/15/2011 have Jury Commission prescreen and give out questionnaires
- 2) Voir Dire start on 09/19/2011

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State is in agreement with the Advisory Counsel's Motion to Continue Trial as stated on the record.

Court finds that extraordinary circumstances exist that warrant a continuance of the trial in this matter as follow: (1) interviews of Witness (es) pending, and (2) report from State's expert witness has yet to be completed.

IT IS ORDERED continuing this matter to September 15, 2011, for the screening by the Jury Commissioner and setting individual Voir Dire of those individual for September 19, 2011, at 10:30 a.m., before Judge Sherry Stephens.

IT IS ORDERED excluding all time from this date 08/02/2011 through 09/19/2011 (48 days)

New Last Day: 10/20/201

Court instructs the parties to complete all discussed interviews between this time, no further continuance will be granted due to this issue.

State informs the Court, Defendant, and Advisory Counsel of the interview set up with the Custodian of Record for Sprint, tomorrow at 1:30 p.m. The Defense needs to make arrangements for someone to be present for this interview.

Court addresses the Defendant regarding this issue.

Defnedant will allow her assigned Investigator to be present for the interview at 1:30 p.m. on 08/11/2011.

3:27 p.m. No further issues to be address.

3:27 p.m. Court stands at recess.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

3:51 p.m. Court reconvenes all parties are present.

Court Reporter, Mike Babicky, is present.

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Court held an off the record conversation regarding trial date, the jury commission and calendars.

The start date of trial will be determine when State's rebuttal witness, Dr. Demarte has complete the report in this matter.

As soon has Court has that date it can then determine a start date.

What is pending is the Defense Witness Rosemary Urbanski interview with the State. This is currently set up for Friday, August 12, 2011 at 8:30 a.m., any issues to be brought to the Courts attention immediately.

The continuance of Evidentiary Hearing is set for Monday, August 15, 2011, at 10:30 a.m.

Advisory Counsel, Victoria Washington addresses possible issues with witness, Matthew McCartney as stated on the record.

3:57 p.m. Court stands at recess.